

**SENATE BILL**

**No. 608**

---

**Introduced by Senator ~~Ducheny~~ Alquist**  
**(Principal coauthor: Senator Ducheny)**

February 27, 2009

---

~~An act to amend Section 50408 of the Health and Safety Code, relating to housing. An act to add Section 130064 to the Health and Safety Code, relating to health facilities.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 608, as amended, ~~Ducheny~~ Alquist. ~~Department of Housing and Community Development: bond fund expenditures: report. Hospitals: seismic safety.~~

Existing law, the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983, establishes, under the jurisdiction of the Office of Statewide Health Planning and Development, a program of seismic safety building standards for certain hospitals constructed on and after March 7, 1973. Existing law authorizes the office to assess an application fee for the review of facilities design and construction, and requires that full and complete plans be submitted to the office for review and approval. Existing law requires fees to be credited to the Hospital Building Fund, which is continuously appropriated to the office.

Existing law requires that, after January 1, 2008, any general acute care hospital building that is determined to be a potential risk of collapse or pose significant loss of life be used only for nonacute care hospital purposes, except that the office may grant a 5-year extension of that deadline, under prescribed circumstances, for both structural and nonstructural requirements. Existing law also authorizes the office

*to grant an additional extension if the hospital building meets designated criteria, including appropriately retrofitting the facility, as specified.*

*This bill would authorize the office to grant an extension of the 5-year extension in lieu of the previously described additional extension under specified conditions. This bill would require a hospital owner that applies for this extension to pay to the office a fee for the costs of reporting required for this extension. Because these fees would be deposited into a continuously appropriated fund, this bill would make an appropriation.*

~~The Housing and Emergency Shelter Trust Fund Act of 2002 authorizes, for purposes of financing various existing housing and code enforcement programs, and additional specified programs subject to the enactment of enabling legislation, the issuance of bonds in the amount of \$2,100,000,000 pursuant to the State General Obligation Bond Law.~~

~~The Housing and Emergency Shelter Trust Fund Act of 2006 authorizes the issuance of bonds in the amount of \$2,850,000,000 pursuant to the State General Obligation Bond Law. Proceeds from the sale of these bonds are required to be used to finance various existing housing programs, capital outlay related to infill development, brownfield cleanup that promotes infill development, and housing-related parks.~~

~~Existing law requires the Department of Housing and Community Development, on or before December 31 of each year, to submit an annual report to the Governor and both houses of the Legislature on the operations and accomplishments during the previous fiscal year of the housing programs administered by the department.~~

~~This bill would require the department, in addition to housing programs, to include infrastructure programs in its annual report. The bill would also require the specified report to include certain information relating to the programs funded under the Housing and Emergency Shelter Trust Fund Act of 2002 and the Housing and Emergency Shelter Trust Fund Act of 2006.~~

Vote: majority. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 *SECTION 1. Section 130064 is added to the Health and Safety*
- 2 *Code, to read:*

1     130064. (a) *In lieu of the extension described in subdivision*  
2 *(f) of Section 130060, the office may grant an extension to a*  
3 *general acute care hospital pursuant to either subdivision (c) or*  
4 *(f) if the hospital building will not meet the seismic safety standards*  
5 *of that section by January 1, 2013, due to a local planning delay.*

6     (b) *When applying for an extension under this section, the owner*  
7 *of the general acute care hospital shall submit to the office*  
8 *documentation that includes at least all of the following:*

9     (1) *The original schedule of the project or projects as had been*  
10 *originally anticipated.*

11     (2) *The schedule of the project or projects as currently*  
12 *projected.*

13     (3) *A timeline for the submission of documents to the local*  
14 *planning authority or jurisdiction.*

15     (4) *Documentation that the local planning authority for the*  
16 *project and for the enabling phases of the project does not grant*  
17 *approvals prior to November 1, 2010, where the hospital had filed*  
18 *the local application prior to January 1, 2008.*

19     (5) *A proposed construction timeframe demonstrating the*  
20 *completion of the project once the permit is issued. The*  
21 *construction timeframe shall be approved by the office and shall*  
22 *only include the amount of time that is reasonably necessary to*  
23 *complete the construction required to meet the seismic safety*  
24 *requirements.*

25     (c) *The office may grant an extension, in full one-year*  
26 *increments, but no longer than three consecutive years, that*  
27 *compensates for delays determined pursuant to subdivision (d).*

28     (d) *The office shall conduct a comprehensive review of the*  
29 *schedule for the project or projects according to criteria specified*  
30 *in this section. This review shall encompass the project or projects*  
31 *under the jurisdiction of the office, as well as other project phases*  
32 *not under the jurisdiction of the office. The office shall consider*  
33 *the cumulative effect of local approval timelines for all elements*  
34 *of the project or projects, inclusive of changes in scope or sequence*  
35 *of the project or projects required by the local planning process.*  
36 *The office may grant extensions based on an evaluation of each*  
37 *of the following circumstances:*

38     (1) *Where the local planning authority approvals have delayed*  
39 *or will delay the construction start date of the project or projects.*

1     (2) Where the local conditions of approval on a project or  
2     projects extend the duration beyond the originally anticipated  
3     construction completion date.

4     (3) Where the cumulative effect of delays on the project or  
5     projects create additional construction delays due to local seasonal  
6     weather impact requirements of the local planning authority.

7     (4) Construction related to the seismic retrofit or replacement  
8     project has begun by January 1, 2013.

9     (5) The project or projects were submitted for review by the  
10    department no later than January 1, 2008.

11    (6) The project or projects have received a building permit from  
12    the department no later than January 1, 2012.

13    (e) Every six months after the approval of the extension, the  
14    hospital owner shall report to the office on the status of the project  
15    or projects, demonstrating that it is making reasonable progress  
16    toward meeting the construction timeline.

17    (f) The office may grant an additional extension of up to two  
18    years in addition to the extension granted pursuant to subdivisions  
19    (c) and (d) if the project or projects meet the following criteria:

20    (1) A matrix of buildings at the hospital that identifies  
21    compliance of each building to the standards required by Section  
22    130065 at the completion of the project or projects.

23    (2) The construction timelines submitted pursuant to subdivision  
24    (a) were determined to go beyond three years from the date the  
25    building permit was issued.

26    (3) Acute care services will not be provided in any SPC-1  
27    building at any time during the extension.

28    (4) The hospital demonstrates that it has, and maintains  
29    throughout the extension, life safety systems in all acute care  
30    patient care areas that do not depend on, and are not routed  
31    through, an SPC-1 building.

32    (5) The hospital either demonstrates that SPC-1 building does  
33    not pose a structural risk to an adjoining hospital building is used  
34    for acute care services or mitigates the risk in accordance with a  
35    deadline described in subdivision (f) of Section 130060 that the  
36    office determines will best protect the patients safety.

37    (g) The office may revoke an extension granted pursuant to this  
38    section for any hospital building where the work of construction  
39    is abandoned or suspended for a period of at least six months,

1 *unless the hospital demonstrates that the abandonment or*  
2 *suspension was caused by factors beyond its control.*

3 *(h) The office may revoke an extension granted pursuant to this*  
4 *section if it is determined that any information submitted pursuant*  
5 *to this section was falsified in any manner by the hospital or if the*  
6 *hospital fails to meet any of the criteria or conditions specified in*  
7 *this section.*

8 *(i) Regulatory submissions made by the office to the California*  
9 *Building Standards Commission pursuant to this section shall be*  
10 *deemed, and shall be adopted as, emergency regulations.*

11 *(j) The hospital owner that applies for an extension pursuant*  
12 *to this section shall pay to the office an additional fee, to be*  
13 *determined by the office, sufficient to cover the additional cost*  
14 *incurred by the office for maintaining all reporting requirements*  
15 *established under this section, including, but not limited to, the*  
16 *costs of reviewing and verifying the extension documentation*  
17 *submitted pursuant to this section. This additional fee shall not*  
18 *include any cost for review of the plans or other duties related to*  
19 *receiving a building or occupancy permit.*

20 *(k) A hospital denied an extension pursuant to this section may*  
21 *appeal the denial to the Hospital Building Safety Board.*

22 ~~SECTION 1. Section 50408 of the Health and Safety Code is~~  
23 ~~amended to read:~~

24 ~~50408. (a) On or before December 31 of each year, the~~  
25 ~~department shall submit an annual report to the Governor and both~~  
26 ~~houses of the Legislature on the operations and accomplishments~~  
27 ~~during the previous fiscal year of the housing and infrastructure~~  
28 ~~programs administered by the department, including, but not~~  
29 ~~limited to, the Emergency Housing and Assistance Program and~~  
30 ~~Community Development Block Grant activity.~~

31 ~~(b) The report shall include all of the following information:~~

32 ~~(1) The number of units assisted by those programs.~~

33 ~~(2) The number of individuals and households served and their~~  
34 ~~income levels.~~

35 ~~(3) The distribution of units among various areas of the state.~~

36 ~~(4) The amount of other public and private funds leveraged by~~  
37 ~~the assistance provided by those programs.~~

38 ~~(5) Information detailing the assistance provided to various~~  
39 ~~groups of persons by programs that are targeted to assist those~~  
40 ~~groups.~~

1     ~~(6) The information required to be reported pursuant to Section~~  
2     ~~17031.8.~~

3     ~~(7) The cumulative total for each item of information required~~  
4     ~~under paragraphs (1) to (6), inclusive, for each program funded~~  
5     ~~under the Housing and Emergency Shelter Trust Fund Act of 2002.~~

6     ~~(8) The cumulative total for each item of information required~~  
7     ~~under paragraphs (1) to (6), inclusive, for each program funded~~  
8     ~~under the Housing and Emergency Shelter Trust Fund Act of 2006.~~

9

10

11     CORRECTIONS:

12     Digest—Pages 1 and 2.

13

O